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Wednesday, May 21, 2003  
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 COLUMN: *Nikki Kallio*  

## Military bill seeks to weaken several environmental laws

  
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The war on Iraq may be over, but the Bush administration's war on environmental protection is fully engaged.

The Defense Department Authorization Bill, which was being debated in the Senate Tuesday and goes to the House floor today, could include provisions to exempt the military from rules of the Endangered Species Act, Marine Mammal Protection Act, Clean Air Act and other laws.

The really horrible thing is that this is all totally unnecessary. Even worse, exemptions to at least one of the laws - the Marine Mammal Protection Act - could extend to the federal government as a whole and even private companies such as the oil and cruise ship industries.

U.S. Rep. Ellen Tauscher, a California Democrat, said many politicians are "deeply disturbed" by the administration's use of the military's victory in Iraq, the military's subsequent popularity and the nation's fears about national security "to completely abrogate and degrade our existing environmental laws."

That certainly appears to be what's going on.

On Tuesday afternoon the Senate was still debating its version of the act, which included an exemption for the Department of Defense from federal designation of critical habitat under the Endangered Species Act. Critical habitat designation protects the area in which endangered species are found to live.

The House version, which hits the floor today, would include the

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## Endangered Species Act exemption and a severe weakening of the Marine Mammal Protection Act.

Want to hear the best part? The military services themselves never asked for this.

This is a move by Department of Defense mucky-mucks to weaken environmental laws for no apparent reason other than they appear to be an annoyance.

"It looks and feels like they're making this up for their own convenience," said U.S. Rep. Tom Allen, a Maine Democrat, in a conference call with Tauscher and representatives of environmental groups.

The military has no reason to ask for these exemptions because it already can ask for waivers from most environmental laws whenever it needs to, such as for training exercises or national security purposes.

The Marine Mammal Protection Act, however, doesn't include exemptions for national security purposes. It does, however, allow the secretary of defense to confer with the secretaries of commerce and the interior and exempt the department for reasons of national defense for up to two years, Allen said.

This effort to scare lawmakers into believing that America's national security is at stake because the military's hands are locked in environmental handcuffs is manipulative and pathetic.

A change in the wording of the Marine Mammal Protection Act could leave marine mammals vulnerable to abuse. Right now the law forbids harassment of animals, which includes actions that have the potential to injure and disturb them.

The defense bill would alter the language to define harassment as an act "that injures or has the significant potential to injure" and "disturb or is likely to disturb."

The difficulty here is that it's hard to know what will injure a marine mammal until the damage already has been done.

The new language also doesn't specify that the change is for the military alone, weakening the obligation of oil drillers and cruise ship operators to act responsibly on the nation's coasts.

Philip Clapp, president of the National Environmental Trust, said the Department of Defense was "exploiting the afterglow of the war in Iraq" to wage an assault on the nation's two main conservation laws.

He's right.

Environmental, public health, social justice groups and others also fear that during debate the department's original requests - which include even more exemptions - will find their way back into the House bill.

The Department of Defense also wished to be exempted from Superfund regulation of toxic munition contamination at some military ranges, at least until the contamination seeped into neighboring communities. It also sought to eliminate responsibility for meeting requirements of the Clean Air Act.

"The fundamental problem is that the military is so big that if it's exempt from environmental laws then you've substantially weakened the environmental laws," Allen said.

It's absolutely vital that our lawmakers recognize these requests for what they are and eliminate them from the bill, because the erosion of our environmental protections is not something we can afford.

National security includes so much more than military readiness.

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